

## REMARKS

Favorable reconsideration and withdrawal of the rejections set forth in the final Office Action dated December 12, 2007, are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 25-30 are now pending in this application, with Claims 25, 29 and 30 being independent. Claims 25, 26, 28, 29, and 30 have been amended. Support for the claim changes can be found in the original disclosure, and therefore no new matter has been added.

Claims 25-30 were rejected under 35 U.S.C. § 112, second paragraph, because of informalities in Claims 25, 29, and 30. In response, while not conceding the propriety of the rejection, Claims 25, 29, and 30 have been amended to address the points raised by the Examiner. Applicants submit that as amended, these claims now even more clearly satisfy 35 U.S.C. § 112, second paragraph.

Claim 30 was rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. In response, while not conceding the propriety of the rejection, Claim 30 has been amended to address the points raised by the Examiner. Applicants submit that as amended, this claim now even more clearly satisfies 35 U.S.C. § 101.

Claims 25-30 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ray et al. (U.S. Patent No. 6,940,545).

In response, while not conceding the propriety of the rejection, Claim 25 has been amended. Applicants submit that as amended, Claim 25 is allowable for the following reasons.

Independent Claim 25 relates to an image processing method, comprising a face probability calculating step, a portrait probability calculating step, and a determining step of determining whether the image is a portrait by comparing the portrait probability outputted by the portrait probability calculating step with a threshold value.

Claim 25 has been amended to recite that the face probability calculating step identifies candidates for a human face region within an image and calculating a human face probability that each candidate for the human face region represents a human face. Claim 25 has also been amended to recite that the portrait probability calculating step multiplies a value corresponding to one human face probability of one candidate by values of the other human face probabilities of the other candidates and outputs a portrait probability that the image is a portrait.

By this arrangement, the present invention can determine whether an input image is a portrait, by using the result of a face detection. In a face detection, there are cases where more than one face region is detected from a single image. In order to determine appropriately whether the input image is the portrait, the present invention uses the probability of the detected plurality of face regions.

In contrast, the citation to Ray et al. is not understood to disclose or suggest a portrait probability calculating step that multiplies a value corresponding to one human face probability of one candidate by values of the other human face probabilities of the other candidates and outputs a portrait probability that the image is a portrait, as recited by amended Claim 25.

Rather, this citation is understood to disclose at col. 10, line 64 to col. 11, line 6 that face candidates labeled by component W will be subsequently examined by component

S (a pattern matching algorithm) to result in a final detection decision. The Office Action states that col.14, line 13 to col. 20, line 10 of the Ray et al. patent correspond to the claimed portrait probability calculating step. But this portion of the Ray et al. patent is understood to merely disclose the pattern matching algorithm S by which a face region is determined. Therefore, this portion of the Ray et al. patent is not understood to disclose or suggest the multiplying of a value corresponding to one human face probability of one candidate by values of the other human face probabilities of the other candidates and the outputting of a portrait probability that the image is a portrait, as recited by amended Claim 25. For this reason, amended Claim 25 is not understood to be anticipated by this patent. Therefore, Applicants respectfully request that the rejection of Claim 25 be withdrawn. And since independent Claims 29 and 30 have been amended in a similar manner, they are submitted to be allowable for similar reasons. Therefore, Applicants respectfully request that the rejection of Claims 29 and 30 be withdrawn.

The dependent claims are allowable for the reasons given for the independent claims and because they recite features that are patentable in their own right. Individual consideration of the dependent claims is respectfully solicited.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration, withdrawal of the outstanding rejection, and passage to issue of the present application.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Gary M. Jacobs/

---

Gary M. Jacobs  
Attorney for Applicants  
Registration No. 28,861

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200  
GMJ/klm

FCBS\_WS 2026893v1